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APPLICATION NO.	FILIN	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,943 11/04/2003		04/2003	Anthony Joseph Aiello	STL 3274	7148
36521	7590	06/07/2005	·	EXAMINER	
•	PATTERSOI TECHNOLO	N & SHERIDAN	FOOTLAND, LENARD A		
	WSBURY AV	-	ART UNIT	PAPER NUMBER	
SUITE 100			3682		
SHREWSBURY, NJ 07702				DATE MAILED: 06/07/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Lamard A Foolland Jabba J	۶ . ۶	Application No.	Applicant(s)					
Lenard A Footland 3682		10/701,943	AIELLO ET AL.					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be evaluate under the proteiner of 3 CFR 1.138(a). In a event, however, may a reply be timely filed at the prior of the reply is expected under the proteiner of 3 CFR 1.138(a). In a event, however, may a reply be timely filed at the prior of the reply is period under the proteiner of 3 CFR 1.138(a). In a event, however, may a reply be timely filed at the prior of the reply is period under the prior of the communication of 3 CFR 1.738(a). In a event, however, may a reply be timely filed at the prior of the reply is period under the prior of the communication of 5 CFR 1.738(a). In a event, however, may a reply be timely filed at the prior of the reply is period of the prior of the communication of the prior of the	Office Action Summary	Examiner	Art Unit					
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THE MAILING DATE OF THIS COMMUNICATION. - Exercision of this may be suitable under the provisions of 3D CPR 1.136(a). In an event, however, may a reply be timely filed after 59 (i) MONTHS from the mailing date of this communication. - In the particle or reply specified draws is then than the provision of the								
1) Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any							
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Pathsperson's Patent Drawing Review (PTO-948). 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08). 5) Notice of Informal Patent Application (PTO-152). 6) Other: 10 Other: 11 Other Statement Patent Application (PTO-152). 12 Notice of Informal Patent Application (PTO-152). 13 Notice of Informal Patent Application (PTO-152). 14 Notice of Informal Patent Appl	Status		•					
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Application/Control Number: 10/701,943

Art Unit: 3682

This application contains claims directed to the following patentably distinct species of the claimed invention: the species of Figure(s) 1a versus that of Fig(s). 1b versus Fig(s). 3b v Fig(s). 3c v 4a v 4b v 5.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, AND A LISTING OF ALL CLAIMS READABLE THEREON (NOT, FOR EXAMPLE, "AT LEAST CLAIMS..."), INCLUDING ANY CLAIMS SUBSEQUENTLY ADDED, AND IF THE AMENDMENT OF ANY CLAIMS RESULTS IN A CHANGE OF THE SPECIES THEY READ UPON, THAT TOO SHOULD BE INDICATED. FAILURE TO DO SO MAY RESULT IN A HOLDING OF NONRESPONSIVENESS. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

The elected species is limited to the features set forth in the elected figures, and does not include features not illustrated in those figures, or illustrated in other figures. Accordingly, applicant should review all claims to ensure that all features of the elected species are properly illustrated, as required, in order to avoid a holding that an unillustrated feature does not form part of the elected species.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. Should that communication be unsuccessful, please obtain the name of the receptionist before contacting the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenard A. Footland, whose telephone number is (571) 272-7103.

Lenard A. Footland

Primary Examiner Technology Center 3600 Art Unit 3682

laf May 31, 2005